

Quid Novi

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UNIVERSITÉ MCGILL FACULTÉ DE DROIT
MCGILL UNIVERSITY FACULTY OF LAW

October 16, 1995
le 16 octobre, 1995

Some Answers ...

Memorandum

To: Kiri Vanikiotis,
National Programme IV

From: Members of the "Faculty
Administration" who do care

Re: Our Job

Date: The day after your article appeared
in Quid Novi

You asked us to answer some provocative questions. We are happy to do so. As some of your questions were clearly rhetorical, we will attempt to answer the key questions from each section which permit of factual answers.

Sabbaticals

There are 37 full-time faculty members in the Faculty of Law. This year, five of them are on sabbatical for the entire academic year. One other professor is completing a year's sabbatical which began in December 1994. The professors on sabbatical for the entire year are Blaine Baker, Jane Glenn, Patrick Glenn, Alison Harvison Young and Nicholas Kasirer. In each case these professors had delayed taking a sabbatical for between one and three years in order to fulfil obligations to the Faculty and the University. For example, Alison Harvison Young agreed to take on the job of Associate Dean, even though it meant delaying her sabbatical for one year. Professor Colleen Sheppard will be returning from her sabbatical in January and will be teaching a full load in the Faculty.

In addition, three professors will be on

leave for all or part of the academic year, for special reasons. Professor Cally Jordan is completing a project for the reform of the Hong Kong Companies Act. Professor Stephen Perry is an invited professor at the University of Pennsylvania. Professor Rod Macdonald will hold the Douglas McK. Brown Chair for one term (January to June) at the University of British Columbia. In each of these cases, the request for a leave was made for both personal and professional reasons. In any event, these types of leave encourage inter-faculty contact and intellectual openness. As will be discussed briefly, these "leaves" are carefully matched to visits here from professors from outside McGill.

The reason that so many professors appear to be "away" is that four professors have been removed from the Faculty of Law without much advance notice. For entirely personal reasons, Professor Jutta Brunnée has resigned to take up a position at the University of British Columbia. Professor Ethel Groffier has opted for early retirement. Professor Martin Boodman has taken a job at McCarthy Tétrault. Professor Rosalie Jukier was appointed Dean of Students for McGill University.

To make up for what could have been gaps in curriculum, the "Faculty administration" worked very hard last year and over the summer to ensure that replacement professors would be found. We are delighted that three new professors have joined the Faculty this year. They are Professor Shauna Van Praagh, having been made a full-time tenure-track professor after a visiting year, Professor Marie-Claude Prémont, and Professor René Provost, who is a visiting assistant professor this year. In addition, the Faculty is welcoming an unusually large number of visiting

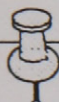
professors who will be teaching in the Faculty's programmes. They include Professor Ralph Simmonds from Australia, Professor Cathy Walsh from U.N.B., Professor Stephen Smith from Oxford, Professor John Dawson from New Zealand, Professor Carl Stychin from England, and Mr. David Lametti who is serving as a Faculty lecturer.

How does all of this affect teaching within the Faculty? Comparisons from one year to the next are difficult, but if the issue is one of number and breadth of course offerings this year, we can honestly say that the impact of the various leaves and departures has been minimal. While counting the number of courses offered (all subjects, all sections) this year is perhaps not as meaningful as

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Announcements / Annonces



Notes from Office of Undergraduate Studies

Course Verification period is 16-19 October inclusive. The Porter's Desk outside Moot Court will be set up daily from 09:30-16:30 for you to check your record. First term examination numbers will also be issued at this time. Sorry ... no I.D. card, no verification.

Remember, your record is your responsibility. Take the time and check your record carefully to ensure you are meeting Obligatory and Complementary (Semi-obligatory) requirements for your programme. This is particularly crucial for those students who intend to participate in an Exchange programme during their final year.

You should also read the instructions posted at the Verification Desk to ensure you check other vital information such as the address printed on your record and your credit count to date.

MARS opens on Tuesday 31st October for **second term course changes**. It will remain open until Sunday 14th January 1996.

It would appear that some of you have **personal mail** addressed to 3644 Peel Street. You know who you are. The OUS performs many services for students, but we are not a post office, and we will not distribute your mail. Have it redirected to your home address.

Class Cancellations for Referendum Day

Please be advised that all classes, laboratories and examinations in all faculties and in the Center for Continuing Education are canceled on Monday, October 30, 1995, Referendum Day. Canceled classes should normally be made up.

ANNIE MACDONALD LANGSTAFF WORKSHOPS

The Annie MacDonald Langstaff Workshop series is pleased to present our first speaker of the year on Friday, October 20, 1995 at 11:30 in room 203. Professor Martha Fineman of the Columbia University School of Law will be joining us to present her thoughts on the topic "The Neutered Mother". Professor Fineman has taught at Columbia since 1991, and has written extensively throughout her career on a wide range of topics within Feminist Legal Theory, Domestic Relations and

Poverty Law.

The Annie MacDonald Langstaff workshops serve both as a forum for women's issues and as a venue for prominent women legal scholars to present their work. We have organized an exciting and diverse schedule of speakers this year - be sure to watch for details in the next issue of the Quid.

Other Events

There will be a roundtable on Commercial Law. The topic: "Title Transactions as Security Devices in Civil and Common Law: Formalism's Revenge or Simplistic Functionalism?". The discussion will be held on October 18 at 1:30 pm in room 203.

The Law and You conference will take place October 20 and 21. The theme is "Real Estate in the 90's: A Survival Kit"

Student Task Force on curriculum and examination reform is holding a focus group (a.k.a. bitch session) for 3rd and 4th year students. Wednesday 12:30 in room 101. We need your input!!

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EDITORIAL

Everyone Has an Opinion

Emmanuel Castiel, BCL III
Rédacteur-en-chef/Editor-in-chief

C'est avec grande joie que je constate que le Quid Novi compte une nouvelle rubrique, celle de Véronique Marquis. C'est la deuxième semaine d'affilée qu'elle vole des lecteurs à Jody et à Pantoufle. Dans son article de cette semaine, «Article en forme de poire» (p. 9), Véronique reprend en quelque sorte ce que je fais depuis le début de l'année, c'est-à-dire encourager les lecteurs à écrire et à exprimer leurs opinions. Elle fait aussi une remarque à propos des éditoriaux de ce journal à laquelle je doit répondre.

J'y réponds puisque c'est moi qui écris les éditoriaux. L'article apparaissant dans la rubrique éditoriale n'est pas choisis en le tirant d'un chapeau. De plus, les éditoriaux ne sont pas des articles anonymes. Ils ne sont pas signés parce que j'ai supposé que les lecteurs comprennent que l'éditorial est écrit par le rédacteur. (Je rappelle en passant notre politique en matière d'articles soumis anonymement: nous ne les acceptons pas.)

Véronique rappelle que la rubrique éditoriale est réservée aux auteurs qui veulent exprimer une opinion. Il faudrait se souvenir que le Quid est presque entièrement fait d'opinions. On n'a qu'à feuilleter le présent numéro. Il y a une opinion sur O.J. (p. 8), sur la politique de notre gouvernement (p. 10), sur le référendum (p. 11), et ce en plus des commentaires de Jody et de Pantoufle. L'éditorial du 25 Septembre, "The Forgotten Holiday" portait sur les fêtes juives. Ce dernier exprimait implicitement une opinion, celle que la fête de Souccot devrait recevoir plus d'attention de la part des étudiants et de l'administration.

Puisque les lecteurs veulent des opinions, en voici:

1. As we all know, O.J. Simpson has been found not guilty of a double murder. Here's my opinion on the whole matter: CAN WE PLEASE PUT IT BEHIND US? I'm sick of people coming up to me to find out a law student's point of view. I'm tired of the television coverage. I don't care that a Vancouver newspaper wrote about the vote that took place in Professor Healy's Criminal Procedure class where 26 out of 36 students (including myself) thought that O.J. would be found not guilty. Can't we just say that this trial is not like any other trial? When you combine the different factors i.e., the celebrity status of the accused, the issue of race, cameras in the court, the dream team, L.A., the duration of the trial, four hours of deliberation, it seems evident to me that this case is anything but typical. So let's forget about the juice and save any respect (sympathy?) we have left for the jury system and for our neighbors to the south.

2. The Canadiens Hockey Club should fire general manager Serge Savard as soon as possible. After the debacle of last season where the Canadiens did not make the playoffs for the first time in 25 years, Savard promised there would be major changes to improve the team. Savard's inaction is typical of his decade as GM. The only interesting move was signing Stephane Quintal to improve the defence corps. The defence did not look very good last week when it let the Flyers score seven goals on them. The Canadiens' hopes are resting on Saku Koivu but we can't even find him quality linemates. So what does Savard do? He trades Bellows, a proven goal scorer, for a defence-minded forward in Bureau. Furthermore, this

hockey team has on its roster nine players who have less than a year of experience in the NHL. Why can't the Canadiens, one of the richest teams, sign quality free agents or trade for players that poorer teams can't afford? It can but Savard won't. The Canadiens should replace him with someone who will.

3. It is my opinion that Jody Berkes should be forced to write a Jodytalk column every week. If he fails, sanctions should be imposed, such as being banished from Coffee House or working an entire day at the Clinic by himself. This tough stance is needed since Jody did not submit a Jodytalk article last week and submitted an old one two weeks ago. We're happy to see that there is a new column this week. Jody, we just missed you.

OTIS
NOTICE

REGISTRATION FOR LAW GAMES:

IT'S IN THE PIT ON THE 17th, 18th AND 19th OF OCTOBER. DON'T MISS IT!!!

AS WELL, DON'T MISS THE MALPRACTICE CUP.

THE ANNUAL EVENT IS BEING HELD ON SATURDAY OCTOBER 21st AT 12:00 PM AT THE RESERVOIR. PLEASE SIGN UP FOR A TEAM ON THE SPORTSBOARD.

Pantouflicating

Don McGowan LLB III

First, the rant.

Since Emmanuel gave me until Wednesday (the new deadline for submissions, so if you think I'm just full of it you can say so in print) to finish my column, I can add a rant! Ha ha ha!

I've just driven in from St. Catharines, Ontario (ancestral home of The Lovely Susanne™), and I saw all the lovely signs on the highway, and I've just got one question to ask:

What's with the Oui signs?

There are five. You know them. They've got a daisy, a globe, a peace sign, a road under repair sign, and a Canadian dollar. Let's look at the messages they're sending:

- Vote oui, and the economy will be pushing up daisies.
- Vote oui, and maybe we'll think about the rest of the world.
- Vote oui, and there'll finally be some peace.1
- Vote oui, and maybe we'll fix the roads in this province.
- Vote oui, and say goodbye to a (semi-)real currency.

Can I just get in my two cents' worth? (Claudine, you know I'm going to anyway, so don't even bother.) Can we put this bastard child of a bad idea to rest once and for all?

Yes, I understand why there is such backlash. If I were francophone in Montréal, and had to deal with all the people who were born here, live here, and will die here never speaking a word of French (and you know who you are), I'd be nationalist too. That's fine. Like I said, I understand it. I just don't agree with it (like you care).

Maybe it's just that I've got a weird

perspective. I come from Vancouver, where we *really* know how to oppress a linguistic minority, and they're getting their revenge on us by buying the entire province. We can't complain about how Asians come over and don't have any respect for our "culture" (if getting rained on, taking four-day weekends, and drinking coffee-flavored milk is a culture), because we need them to give us jobs.

There's a lesson in that somewhere, I'm sure, but I'm too busy looking for new slippers to think of what it might be. If you have any suggestions, either about the lesson or the slippers, don't hesitate to contact me either by e-mail (bgia@musicb.mcgill.ca), or write in the *Quid*.

Anyway, you just want me to get to the movies. I saw five, which is why I feel I can be so indulgent up to now. And I should give warning:

IT'S PANTOUFLE GOES TO THE VIDEO STORE, v. 1

Like I said, I was in St. Catharines, with access to a VCR (and Dr. Pepper Slurpees, which was nice).

Naked Gun

I don't think he did it.

Naked Gun 2 1/2

Nope. Still don't think he did it.

Naked Gun 33 1/3

Nope. Still got reasonable doubt. Then again, when the LAPD is involved, it takes anyone who's ever had dealings with them about 5 seconds to get reasonable doubt.

For the record: I don't think it was that the cops wanted to frame a famous black man married to a rich white woman. I think it's just reflex for the LAPD to "help" their cases. Not all cops. Just the LAPD. Or the MUC.

Come on: if you hear the words "black man" and "MUC Police" in the same sentence, you draw the same connection I do. If you don't, then maybe you're out of touch enough to be a part of the "lowest common denominator" (words *actually* used in my Crim Pro class to describe the composition of juries, and somehow no one was offended except me).

After all, Leslie Nielsen was a cop, and his brother was the Deputy Prime Minister of Canada. Someone with those kind of references can't be all bad.

Ed Wood

For those of you who don't know Ed Wood, you're lucky. He just might be the worst director of all time. Of course, I've seen all of his movies. Until *Johnny Pneumonia* and *Hackers*, *Plan 9 from Outer Space* was the worst movie I had ever seen, followed by *Bride of the Monster*. Two Ed Wood classics. Paper pie plates lit on fire as UFOs. An old TV tube as a nuclear generator. And Bela Lugosi starring in a movie after his own death (and before John Candy or Brandon Lee made that popular).

This film gave the perverse pleasure of reminding me of all of Ed Wood's movies. If you haven't seen them, you won't love this film the way I did, but you still might like it.

So I Married an Axe Murderer

No, it's not about O.J.™ We're done with him. It's about Mike Myers, who for once isn't playing Wayne Campbell, and his wacky, nutty exploits with a woman who just might be an axe murderer. It's a comedy, and he's pretty good, but it's kind of like *Weekend at Bernie's* - a one-gag movie can go pretty flat.

Just watch it for the scenes at his parents' house. He plays his dad too. I've watched that scene about 10 times in a row, and still can't stop laughing. It makes me nostalgic for Angus McMurtry, and he's

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probably got a haircut now. It makes me nostalgic for Scotland, and I've never been there. It made me buy the Best of the Bay City Rollers on CD, and... well, I'd have bought it anyway, so that's a bad example. But did you know that they're on tour right now? Which just goes to show one thing:

People get nostalgic for bad old movies, bad old bands, and bad old political

ideologies, and trot them out from time to time just to shock the rest of us. Treat them like children when they act up, and they'll go away. Then you can get back to work.

1 Incidentally, fundamentalist Christians and some weird cultists with armed compounds think the peace symbol is actually just one more proof that satan herself² has taken over the

world. It's an upside down cross, broken. Doesn't take much (except a *severe* case of paranoia) to see that. So, if you know anyone in the Oui camp, tell them that they're alienating the whacked out nutbar vote.

2 If you're going to call the supreme deity female, you've got to call the supreme evil female too. Wheat with the chaff, and all...

Some Answers

(Continued from page 1)

one would like, it should be noted that as a matter of fact, we are offering 141 different course/sections in 1995/96, as compared to 142 in 1994/95. Given the size of our faculty, we think this is quite an accomplishment. In fact, most visiting and exchange students are typically overwhelmed by the number and diversity of our course offerings.

Should the comparison be made on the basis of subjects, the answer is the same. The Faculty is offering as many research seminars this year as it did last year. Fourteen courses taught in 1994/95 are not offered this year. Most of those are courses typically offered in alternate years. Many were very small enrolment courses. Two are common law semi-obligatory courses, but the Faculty took that into account in designating *Real Estate Transactions* as a semi-obligatory course this year. That said, seven courses are offered this year which were not offered last year. They range from *Insurance Law* to *Linguistic and Literary Approaches to Law*, from *Matrimonial Property Law* to *Securities Regulation*. As for the demand, the Faculty has endeavoured to accommodate as many people as possible in popular courses, without jeopardizing fundamental pedagogical principles. However, some fluctuations are difficult to predict. For instance, there are this year 135 students taking Public International Law, as compared to 99 last year. 75 students are registered in the sole section of Family Law I, as compared to a total of 52 in both sections of the same course last year. And Labour Law attracted 85 students this year, but no more than 65 students in each of the last two years. Some have attributed these fluctuations to this year's examination schedule, which brings us to that topic.

Exam Schedule

Entirely contrary to your assumptions, the

exam schedule is not imposed by the "Faculty administration". Indeed, for a number of years now a process has been in place where the exam schedule is put together entirely by students, with little or no changes by the administration. The students are given a list of parameters, and the lead role is taken by the student member of the exam board. That student acts in close cooperation with the L.S.A. The goal of this approach, which was demanded by previous L.S.A. executive committees, is to ensure that students will have maximum input into the exam schedule. We are well aware that the examination schedule is a key determining factor in course selection, and for that reason have decided that students should take the responsibility of working out a satisfactory schedule. The task is enormously complex, as there are many competing factors to take into account, for example trying to be as helpful as possible to students in first year and trying to guess what types of courses are likely to attract the same students. The students who worked on the schedule this year acted in entire good faith and the result is a schedule not notably more nor less difficult than in recent years. Of course, it is always open to revisit this question. The "Faculty administration" would of course be willing to establish its own exam schedule, but we are strongly of the view that this is a task that can and should be left in the hands of responsible students subject to a minimal quality control exercised by the Associate Dean.

What Do We do?

As we see it, the role of the "Faculty administration" is to ensure the short- and long-term health and vitality of an outstanding institution, McGill's Faculty of Law. For that reason, last year we undertook an extensive series of consultations, including many consultations with various student groups, to assess opportunities for the future of the Faculty. The report arising from those consultations has

recently been made available to the L.S.A. executive, and will be widely distributed to interested students in the near future. Student concerns occupy a central position in that report, as they do in our daily deliberations.

This year, the bulk of Faculty energy will be directed towards curriculum reform. A special ad hoc committee has been struck to take the general directions of last year's Planning Report and to trace them out in more detail as far as curricular implications are concerned. The L.S.A. has already created a contact group to coordinate student input into this process. In addition, a student (Hilary Williams) has been appointed to sit as a member of the small Ad Hoc Curriculum Review Committee.

Approximately 20% of the Dean's time is spent in fundraising activities. The Associate Dean (Academic) spends no appreciable time fundraising. From time to time various professors and students assist in the process. The goal of current fundraising efforts is to build a new Law Library with enhanced services and collections. This goal was identified by consecutive generations of students as the single most important Faculty need. A new Law Library would improve the life of students dramatically, particularly when linked to planned renovations to the entire law complex, which would focus upon enhancements to student areas. In other words, students are at the forefront of planning efforts for the new Law Library. Fundraising is not an end in itself; it serves the broader mission of the Faculty, which is ultimately to provide an excellent legal education and to produce international quality legal scholarship.

Stephen J. Toope
Dean

Daniel Jutras
Associate Dean (Academic)

JODY TALK

Sorry for the absence last week, as well as the rerun from the week before. It's just that things haven't been the same since Cally left. I realize that with the exception of the fourth year class no other student at the Faculty knows the hell that was Mustang Cally's Business Associations class, and it is my hope that no one will ever find out again. When one or two students in your class appeal their marks perhaps it's just sour grapes. On the other hand, when half your class appeals the marks you've assigned to them it's hard not to think that there may be a problem with the professor, nuff said. The reason I mention Cally is not so much to trash her, that's already been done enough, though it still feels so good, but to illustrate how Jodytalk seeks to operate along the lines of institutional memory. Institutional is defined by Webster's as, "organized so as to function in social, charitable, and educational activities," and I hope, since most of you have or are working on a degree or already have one, you know what memory is. Taken together then, Jodytalk aspires to inform students about what has transpired in the faculty so that they may benefit from accumulated wisdom. If in the process I can convince someone that then new law library needs more open study space and less moot preparation rooms all the better, but I won't hold my breath.

I spend a good deal of time and print complaining about some of the more annoying and tedious aspects of law school. However, though I may not mention it quite as often, there are many aspects of being a law student that I find quite enjoyable. As you read in my last column one of them is coffee house. Another perk to law school is having your very own locker, even if that locker happens to be located next to the men's urinals in the bathroom. Free access to Thompson House is another bonus. Not only do they have

good beer on tap at cheap prices, but the lunch menu is good too. Watching the women's football and hockey teams is another bonus (check them out!). All these things help to make an otherwise aggravating and high pressure situation a little more bearable. There is one other aspect of law school which I have consistently found to be a highlight of each winter semester, Law Games.

Over the last week several people have asked to me to write a piece describing law games. So I sat down this week and attempted to think about how one describes law games. I've written several pieces over the past two years and a complete accounting of law games would be impossible to cover in this or any column. Furthermore, it would be inaccurate. Just like a snowflake, no two law games are identical, but it's still fun to catch them on your tongue and feel them melt. On the other hand, I always enjoy a good literary challenge, and I refuse to make you go read the crap that I've published previously which is on reserve in the library just to stroke my own ego. So without further introduction I present a Jody's eye view of law games.

This column is published in Quebec and as such the French text is deemed to be more authoritative than the English one. Therefore the flavor of Law Games is more closely approximated by its French title "Jeux Ridiques," than its English counterpart Law Games. The Games played during the day range from inner tube water polo, floor hockey, bowling, pool, touch football, basketball, indoor soccer....etc. The festivities at night involve partying in the hotel, partying at dinner, going to the parties, and then partying at the hotel some more. The challenge of Law Games, should you choose to accept it, is to attend all of the evening festivities and still play in the events that you signed up for

during the day. Andrew Hilton in his piece on last year's law games wrote the following,

One student, who didn't want to be named for fear of jeopardizing her articling, says the games reflect the harsh truths about the behavior of students and the professionals they're soon to become.

"Everyone pretends they're not hung over during the day and then they get hammered at night -- just like regular lawyers"

It's true that for the partying enthusiast Law Games is as close to Nirvana as you're going to get in law school. On the other hand, you don't have to drink to have a good time at Law Games. If you enjoy dancing, sports (playing or watching), or hanging out with people from across the country at Law Games you can have it all. One of the greatest aspects about Law Games is that you not only get to meet students from other law schools, but very often you meet students from McGill that you didn't even know were here. I remember my first Law Games in Sherbrooke. I was a first year student who was anxious about several things, not the least of which was missing several of my classes. Well over the course of the next few days, as well as several bloody ceasers, I learned that most of the upper year law students had gone through the same uncertainties and frustrations that I was experiencing. Though I didn't believe everything they said then, (you should never accept anyone's opinion without critically thinking about it first, that is

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unless the opinions expressed happen to be Jody's then believe away), I have gradually found that their words contained much wisdom and have allowed me to make it through school without driving myself completely bananas.

Some people would tell you that Law Games serves no practical academic purpose, and therefore is a waste of one's time. The fact that Law Games has a moot court competition (perhaps we can get a full size indoor soccer practice field in the new library) should cast at least some doubt on the former observation. As regards the latter, Law Games allows law students to polish their social skills, which tend to atrophy during long hours of studying in the library. Social skills are easily as important as the ability to reason out an esoteric point of law. Hopefully if your social skills are good enough you can resolve any legal problem before you're forced to do research on the matter. That way you

save the client money and yourself time. So the next time you're doing parallel citation, or writing a factum think, could the parties to this action have negotiated a fair settlement. Most of all though, Law Games is fun and everyone should be encouraged to attend.

To this end there are a few things that the administration could do to facilitate this. The most beneficial perhaps would to cancel first year classes. I say this for several reasons. Foremost I recognize that not everyone will go to Law Games, despite how much fun they are, and that is an individual decision that should be respected. If classes get canceled all people in the class would have a long weekend to go wherever they wanted. Even with the extra free time, make-ups are a hassle for those that have set schedules. Therefore, a good compromise would be to cancel first year classes only. First year students generally have the greatest flexibility in their schedules. Second, freshmen

have the highest level of anxiety and haven't quite figured out that missing one or two classes doesn't make any difference in the grand scheme of things. Third, if students can understand the fact that professors often have to cancel classes in order that they attend conferences etc., perhaps the administration could understand the students desire to attend Law Games.

At any rate whether or not they cancel your classes I urge everyone, especially the first year class to attend Law Games and see for yourself if what I'm saying rings true to you. *Res Ipsa Loquitur*.

Jody Berkes is a forth year law student whose fond memories of Law Games include dressing Paulette with the women's hockey team, watching a bunch of hoodlums steal time in a duck, and dancing with the infamous Rachel who is all woman. Even though he is now an old married man he intends to attend and cover his final Law Games with as the same diligence he has in the past.

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MY SAY ON O.J.

Stacey Pinchuk, BCL III

It's hard to be a law student and ignore the brouhaha surrounding the brutal double-murder O.J. Simpson case. With a couple of years (or months) of law school under our belts, we are thrust by family members and friends into the role of their very own legal analysts, their functional equivalent of CNN's Greta Van Susteren or Roger Cossack. Of course, we have opinions - it's difficult not to. But as quoted from a Los Angeles psychologist in the New York Times (Oct.8), "This has been a walking Rorschach test. People are reacting as if it's O.J. when it's really about themselves." [section 4 page 4]

The Rorschach test is a famous personality and intellect test involving the interpretation of inkblot designs. What, despite police incompetence, constituted an irrefutable "mountain of evidence" to some (myself included), amounted to grounds for acquittal for those who, like the members of the jury, interpreted the inkblot to construe reasonable doubt, cross-contamination of evidentiary samples, or an elaborate police frame-up.

As an avid follower of the trial who is now seeking a twelve-step recovery program and who can still quote Rosa Lopez for kicks, I have trouble with the outcome of the case. This is perhaps putting matters mildly. I am, at once, an embodiment of extreme agitation at the verdict coupled with grave sadness over the messages sent about conjugal violence, the justice system and society as a whole.

Tuesday, October 3rd epitomized a true law school moment. There were masses of bodies piled into the T.V. room anxiously awaiting the reading of the verdict, then sharing expressions of incredulity while Professor Sklar gave a live CBC interview by the gum rack at Sadie's next door.

Despite the unity that was fostered that moment in the T.V. room (the sentiment of we're all law students and we're all watching together), this case divided more than it united, with vast rifts forming along gender and racial lines.

As a woman who works at a shelter for victims of conjugal violence, I am horrified by the message of this case, namely that if you have enough money, you can afford to kill your wife and get away with it.

As a Jew, I was, like Frank Goldman (the father of deceased Ron Goldman), deeply offended by Johnnie Cochran's comparison of Mark Fuhrman, a very racist and deplorable cop, to Adolf Hitler, who makes Mark Fuhrman look like he's playing in the Little Leagues. Perhaps the only consolation is that Simpson lawyer Robert Shapiro acted like a "mensch" and publicly distanced himself from these comments, vowing never to work with Johnnie Cochran again and never to speak to F. Lee Bailey.

As a law student, I am puzzled by the blatant disrespect demonstrated by the lawyers toward their judge and by all the unanswered questions that still linger. These questions include why Al Cowling's involvement in the case was never delved into, and what ever happened to the mystery envelope that surfaced at the beginning of the case. Did it contain the much sought after knife? David Letterman recently speculated about the envelope's contents, but neither the prosecution nor the defence ever provided any clues.

As a future member of the legal profession, I am embarrassed by the perverse peacocking by the members of the so-called "Dream Team", by their outright pompousness and arrogance. As a result of their megalomania both inside the courtroom and out, I have felt the defensive need to explain to my non-law school contemporaries that not all lawyers are like this, and that there are many reputable members of the profession who actually do their jobs without basking in the limelight.

As a member of society, I am saddened by the racial divisiveness that was so apparent in the T.V. images of whites, their jaws in their laps, shaking their heads in disbelief, as sharply contrasted with images of jubilant Blacks cheering and celebrating in church halls, barber shops and on the streets. Therein belies the complexity and

difficulty in answering Rodney King's question uttered four years ago, asking "Why can't we all just get along?"

As a Canadian, I can try to distance myself from the verdict reached in a country where sports heroes are deified and where Mike Tyson, a convicted rapist, fought in a multi-million dollar, minute and a half-long fight shortly after his release from prison. This is a country where O.J. Simpson has patented his name so that little O.J. dolls can be mass-marketed in a furtive attempt at image rehabilitation. I can point instead to the Bernardo trial as Exhibit A, an example showing that despite police incompetence, justice was rendered by a Canadian jury.

But one only has to wonder how long it will be until the problems that so plagued the O.J. Simpson case will cross the border and contaminate our system, if they have not done so already.

Chief Justice Dickson writes emphatically in the case of *Corbett v. R.* [(1988), 64 C.R. (3d) 1] that it is important to have faith in the jury system since "[t]he very strength of the jury is that the ultimate issue of guilt or innocence is determined by a group of citizens who are not legal specialists and who bring to the legal process a healthy measure of common sense."

Yet in the O.J. case, a jury sequestered for over eight months took four hours to acquit a confirmed wife beater with enough DNA and circumstantial evidence against him to convict him twice over. Where, Justice Dickson, is the common sense in that?

Now that the trial is over, we can be relegated from our roles as living room legal analysts to those of struggling law students. We can point our fingers in blame at the presence of cameras in the courtroom, we can castigate the circus that the American justice system became, and most of all we can cross our fingers tightly and wish to ourselves: Not Here. Not Ever.

Article en forme de poire

Véronique-Élisabeth Marquis
BCL II

Voilà pour le titre. D'ailleurs, les titres n'ont aucune importance. Ce titre n'est même pas de moi; c'est Satie qui l'a inventé, pour faire chier un critique qui lui disait que ses pièces musicales étaient informes. Étant donné ma totale ignorance du sujet de cette chronique au moment où j'écris ces lignes, ce titre me paraît particulièrement approprié.

En fait, il y a une raison pour laquelle je n'ai pas trouvé de sujet : c'est que je n'ai pas eu le temps. C'est vrai. Et c'est même de ça que je veux parler. Il y a une de ces vieilles phrases qui dit que c'est à l'université que l'on passe les plus belles années de nos vies. Je ne sais pas si c'est vrai; je n'ai pas encore eu le temps d'expérimenter ce bon temps.

Non mais, c'est vrai, y a-t-il une solution, une drogue quelconque qui nous fasse oublier l'horrible culpabilité de ne pas lire de Labour Law quand on décide de prendre un petit break le samedi soir? Y a-t-il une vie après les résumés d'arrêts? Pourquoi Hogg a-t-il écrit une brique de 1000 pages, puisque c'est dans le résumé de 18 pages du cours de constitutionnel que se trouvaient les réponses de l'examen final?

Il y a des gens, dont il vaut mieux préserver l'identité, qui disent qu'ils ont le temps de tout lire, de tout résumer, et de vivre en plus, sans jamais manquer de cours. Je les soupçonne d'avoir un jumeau et qu'à eux deux, ils réussissent à avoir UNE vie. Ou d'avoir supprimé le sommeil de leur horaire. Ou encore d'essayer volontairement de miner notre

joie de vivre pour être admis chez Stikeman avant nous.

Trêve de plaisanteries, qui d'ailleurs n'ont rien de plaisant.

Je voudrais vous parler d'un sujet beaucoup plus sérieux: le Quid.

Peu de gens écrivent dans le Quid; en fait, le Quid est un très petit journal, qui convient tout à fait à notre très petite faculté. Dans ces circonstances, il vaut peut-être mieux ne pas critiquer ce qui s'y passe? Ce n'est pas mon impression. Je trouve que le Quid est un journal très lu et si je ne l'estimais pas, je n'y écrirais pas. Mais je déplore sa politique en matière d'éditoriaux. À deux semaines consécutives, il est apparu dans le Quid des éditoriaux (ou enfin, ils se trouvaient sous la rubrique éditoriale) qui ne portaient pas de signature.

Je vais vous dire ce que je pense de cela. Je suis tout à fait en faveur de ce que les étudiants de la faculté écrivent de façon anonyme dans le Quid. En effet, il peut arriver qu'on préfère agir ainsi, et c'est légitime. (J'aurais peut-être dû agir ainsi quelquefois, puisque l'année dernière, l'un de mes articles m'a valu plusieurs messages de e-mail, de diverses personnes, certains du pire mauvais goût.) Cependant, il me semble qu'une telle contribution ne peut porter le titre d'éditorial. La tradition de l'éditorial veut qu'il engage tout le journal, et tous ceux qui y écrivent. Par conséquent, on est en droit de savoir envers l'opinion de qui, exactement, on s'engage! Et d'autre part, un éditorial est un article d'opinion. Je voudrais bien savoir quelle opinion était exprimée

dans l'éditorial portant sur les fêtes juives; cet article, que j'ai lu avec beaucoup d'intérêt, n'était rien d'autre qu'un texte informatif. Qui est donc le rédacteur en chef du Quid? Écrit-il dans le Quid? Le seul véritable éditorial que j'aie lu cette année était l'article de Kiri sur l'horaire et ses défauts; un édito tout à fait dans la tradition... mais qui, cette fois, ne portait pas le titre d'éditorial! Est-ce qu'au Quid, on met tout les articles dans un chapeau et on en tire un auquel on donne le nom d'éditorial? Si c'est le cas, mon article sera-t-il l'éditorial quand il paraîtra? Quand quelqu'un désire garder son anonymat, est-il déraisonnable de s'attendre à ce que son article soit considéré une lettre ouverte? *(Note du rédacteur: voir l'éditorial à la page 3 pour une réponse)*

Voilà. Le dernier paragraphe comportait le mot éditorial 8 fois, ce qui aurait été suffisant pour me faire échouer l'examen de français du cours collégial. Sans doute vaut-il mieux passer à autre chose... J'aimerais cependant rappeler que le Quid est une tribune où devraient circuler librement les opinions. Quand vous aurez un désaccord sur le fond d'un article qui y paraît, pourquoi ne pas l'écrire vous aussi?

La semaine prochaine, j'essaierai de découvrir pourquoi le professeur Foster fait des exercices de flexibilité durant les cours de Common Law Property; sujet infiniment plus intéressant que la Common Law Property elle-même.

LAW v. MED

Steven Leitman, BCL II and Jeffrey Schiff, Med II

As the Malpractice cup approaches, med students and law students bear their fangs to face their rivals, much like when the Habs play the Avalanche. In our endless plight to show who is better, we came up with the following top ten lists as to who really is superior...

Top 10 Reasons Why Law Students are Better than Med Students:

10. Everyone gets to look at our briefs.

9. No matter which side wins in your malpractice suit, we get paid.
8. Lawyers never have to deal with pus.
7. We're only in school until April.
6. We won the '94 Malpractice Cup.
5. The government can't control how much WE charge.
4. Ken Dryden went to our school.
3. A day of work, a day of golf. A day of work, a day of golf...
2. Black robes look bad-ass compared to white lab coats.
1. Integrity is our middle name.

Top 10 Reasons Why Med Students are Better than Law Students:

10. We wait until they're dead before we cut them up.
9. Our building looks down on your building.
8. We get to practice on real people before we're real doctors.
7. Bugs Bunny never says, "What's up Maitre?"
6. We let you win the '94 Malpractice Cup.
5. Even lawyers have to sit for 3 hours in a waiting room.
4. E.R. kicks L.A. Law's butt.
3. A day of work, 2 days of golf. A day of work, 2 days of golf...
2. Not everybody wishes all doctors were dead.
1. Three words: access to drugs.

Brian Doody, Nat IV

TALKING TAXES

Public opinion research tells us that young people aged 18 to 35 are preoccupied with issues of jobs, public finance and taxation. This is of no surprise to readers of the *Quid Novi*! Most of us are still in school not out of any love of the academic world but because the market hasn't been there to give us stable and rewarding jobs. I know I wouldn't have come here if I'd been offered a good job with a pension plan in 1991 or 1992. In the thirty years following the second world war, an educated young Canadian leaving school—and we know that most of them were men then—could reasonably expect to be offered a job for life in the government, a bank, or some other large organization. Those days are over, but the legacy of one of the longest periods of sustained economic growth in the history of the world is a network of post-secondary education in Canada that is reasonably accessible to all those with the desire and capacity to put their minds to work ...

But in the 1990s, politicians tell us that even this covenant between the generations is a luxury we can no longer afford. The forces of reaction, many of whom have assembled in the Reform

Party, have orchestrated a campaign to convince the public that rising public sector deficits and debt in Canada make spending cuts to post-secondary education not only logical but necessary. Their hypothesis is that cuts will reduce spending, bring forth a balanced budget and, in their ideal world of worlds, lead us down the path to growth. I take great delight in telling you their figures don't add up.

Taxation and expenditure data contained in *The National Finances*, published by the Canadian Tax Foundation, demonstrate clearly that most of the elements for economic growth and deficit reduction in Canada are already in place, despite the debt. Short-term interest rates are low, inflation is historically low, spending is up on job training and assistance to small business, and the debt-to-GDP ratio is stabilizing. The book concludes, however, that the economy is weak in two key sectors: consumer confidence and long-term interest rates.

Consumer confidence is an enormously hard thing to put into words. It is the feeling that people can buy a home or

make other large purchases without fear of losing their jobs. When Canadians lack confidence in the future, they are less willing to spend on those items that create jobs in the wider economy. When confidence is low, people are vulnerable to messages of fear, resentment, and despair, making the climate for growth even harder to achieve.

In turn, consumer confidence affects long-term interest rates by increasing the risk to people who make long-term loans. Lack of confidence in the future is a major reason why the long-term costs of servicing our debt have increased. When the federal government has to spend a larger proportion of its annual budget on the cost of servicing the debt, there is less money for the social programs that unite us as Canadians, the erosion of which in turn affects our confidence in the future of Canada.

So our message to the politicians is this: no cuts to education! If government spending is not the cause of the deficit, cuts to education to reduce the deficit are illogical and immoral. They should stop the cuts and start believing in Canada instead ...

Cachez ces pancartes que je ne saurais voir

Marie-Andrée Vermette BCL III

Vous avez sans doute remarqué que, pendant les campagnes électorales, les divers poteaux et lampadaires bourgeonnent et fleurissent. En effet, on assiste invariablement à une éclosion de pancartes à leur plus haute extrémité. Toutefois, ces «fleurs» ont la plupart du temps un aspect pitoyable: elles prennent la forme d'un visage à l'air ahuri et au sourire figé et faux. Les campagnes référendaires ne font pas exception à la règle: les pancartes poussent comme des champignons. D'ailleurs, à moins que vous ne viviez sur la planète Mars ou que vous ne campiez à la bibliothèque, vous avez sûrement entrevu cette nouvelle source de pollution de l'environnement.

Le camp du NON a opté pour une approche traditionaliste: on utilise le mot «séparation» (du latin «séparatisme»). On compte sans doute exploiter la charge émotive que ce mot est supposé véhiculer.

Le camp du OUI a, pour sa part, tenté d'innover. Les concepteurs de la campagne publicitaire ont pondu cinq pancartes aux couleurs plus criardes les unes que les autres. Celles-ci colportent toutes le même message: «OUI... et ça devient possible». Cependant, chacune des pancartes se distingue des autres grâce à l'aspect que revêt la lettre «O» du mot «OUI».

Le «O» prend parfois la forme d'une pièce de 1\$. Mais qu'est-ce que cela signifie? A ce que je sache, j'ai les poches déjà pleines de huard (je n'ai d'ailleurs que ça). Qu'est-ce qui devient possible avec un OUI? Un tel vote me rapportera-t-il des huards? Non merci, c'est

déjà assez lourd et encombrant comme ça. A moins que le Parti québécois ne se transforme en parti créditiste: un OUI et tout le monde reçoit un huard. Est-ce une approche duplessiste? En tous les cas, une chose est sûre: on ne peut pas accuser le Parti québécois d'avoir peur des contradictions. Sur la pièce de 1\$, on retrouve bien en évidence la mention «CANADA». Pourquoi n'a-t-on pas reproduit l'autre côté de la pièce, c'est-à-dire la Reine après l'absorption d'un elixir de jeunesse? Mieux encore: pourquoi les concepteurs n'ont-ils pas remplacé la Reine par Lady Di? N'est-elle pas, comme le Québec, toujours la victime?!!!!?

Le «O» est aussi remplacé par une image de la planète, avec l'Amérique du Nord sans frontières en gros plan. Qu'est-ce qui devient possible avec un OUI? J'ai toujours cru que le Québec faisait déjà partie de l'Amérique du Nord (à moins que mon professeur de 3e année m'aie induit en erreur sur ce point...). Veut-on insinuer que les États-Unis vont tout englober? Peut-être cette image cherche-t-elle à évoquer l'ALENA ou les relations internationales. Ma seule remarque: le dessin n'a pas été fait à l'échelle.

On a également troqué le «O» pour un panneau de signalisation annonçant des travaux. Le Parti québécois cherche-t-il à exploiter la frustration des Québécois par rapport au piteux état des routes? Veut-il les inciter à voter OUI en leur promettant des travaux de réparation? Si oui, qu'on me le dise clairement que j'aille me jeter au fond du nid-de-poule le plus proche. Je perds déjà assez de temps comme ça dans les bouchons de circulation dus aux travaux.

Et, à ce que je sache, le Québec a toujours eu compétence en matière de routes et ce n'est pas la souveraineté qui va régler cet épineux et cahoteux problème.

Le «O» revêt aussi l'aspect d'un signe de «peace» (sur un magnifique fond lime) et d'une marguerite (sur un fond rose nanane très «fashion»). Ces pancartes annoncent-elles un retour aux années «Peace and love», au «Flower Power»? Légalisera-t-on la consommation de cannabis? Raël, qui vient d'écrire un livre pour inciter ses fidèles à voter OUI, fera-t-il partie du gouvernement? Prônara-t-on la méditation sensuelle? Je ne veux pas jouer les trouble-fête, mais personne n'aime tout le monde et surtout pas moi. Ce n'est pas parce qu'une personne est québécoise que mon cœur va s'agiter délicieusement et que l'amour jaillira de toute part. Les conflits internes sont inévitables.

Bref, à quoi tout cela rime-t-il? Le Parti québécois, après le dévoilement du préambule, semble vouloir poursuivre dans la voie du lyrisme. Jamais on ne parle de ce que sera la société québécoise après un OUI. On ne dit jamais clairement ce qui devient possible. Tout ce qu'on sait faire, c'est provoquer l'exaltation, faire rêver d'un monde meilleur. Chaque personne interprète comme elle le veut les pancartes du camp du OUI: elle y puise des rêves de paix, d'amour, de travail, d'argent, etc. Le malheur, c'est que tout le monde risque d'être déçu. Exactement comme lorsqu'on voit un film après avoir lu le livre: les personnages, les décors, tout était plus beau dans notre tête.

Library Update

MCGILL WELCOMES NEW LAW LIBRARIAN: The Faculty is pleased to introduce Mr. Robert Clarke, the new Law Area Librarian. Mr. Clarke comes to us from the Faculty of Management, where he served as the Head of the Ross Library.

Appointed in July, Mr. Clarke has quickly taken to his new charge. He is very well acquainted with the new information technology available for legal research, and understands that a balance of printed and on-line material will be important for future generations of Law students. He will certainly be very involved in designing the

information technology for the new library. Mr. Clarke has been very impressed by the generosity and interest of graduates in Law's campaign for a new library, and recognizes the pivotal role a new facility plays in the Faculty's future. If all goes according to plan, Mr. Clarke will have a new library to work with soon!

NEW GIFT: The McGill Twenty-First Century Fund campaign and the Faculty recently received an important boost from one of its good friends. An anonymous donor has generously pledged to contribute \$1,000,000 toward the new Law Library

project, bringing the total of gifts received close to \$6,000,000. The new building project, which will raise \$10,000,000 for a new building and \$3,250,000 for collections, is steadily moving towards fruition.

As many of you know, McGill's current Law Library is no longer adequate. The Faculty provides one of the best legal educations in Canada, yet students have inadequate library space to study, and the collections are stressed to their limits. Students, faculty members and staff have set an example with their strong commitment to a new library, collectively contributing over \$300,000.

A new Law Library will ensure the Faculty's sustained future as one of Canada's best. A warm thanks to all our donors.



Liz Freedman BCL III
on exchange at UNSW

Greetings from Down Under! For those who don't know, I am on exchange for a semester at the University of New South Wales in Sydney, and loving it. I thought I'd give a brief rundown of what is going on here, then anyone who has particular questions can e-mail me or have the kind folk at the Quid ask me to write another article.

In typical university fashion, none of the courses I came here to take are being offered this semester, so all the fabulous academic reasons that got me here in the first place have taken a back seat, though I am working them into my other courses, I promise! The courses I randomly chose at the last minute are Medicine and Law, Environmental Law, Communications Law, and a graduate seminar entitled Peaceful Settlement of International Dispute, and am actually enjoying all of them. The teaching style is quite different here, a lot more informal. Lecturers go by their first names, and raising your hand is not only optional but actually quite rare. One of my first weeks here, two students were "debating" a point in class, and started shouting at each other to shut up, and no one even batted an eyelash. Just like McGill - not! The workload is a lot more spread out, with lots of assignments and oral presentations during the semester instead of one big final or paper. Those of you who know me know how much I love speaking in class - I've done three oral presentations so far!

I am living on campus at Shalom College which has worked out really well. They are still not quite recovered from Ami's stay last year, and it took me about a week to convince them that not all McGill Law students are hyperactive madpeople. I have a lovely view from my balcony of the cricket oval, just in case I forget where I am.

I have done quite a bit of sightseeing around Sydney, and can now cross the street without getting nearly runover. Not only do they drive on the left side, but they walk on the left side of the sidewalk, stand on the left side of escalators... I've done some short trips to nearby places like the Blue Mountains. (blue from the gas let off by the eucalyptus trees) and just got back from spring Break. I rented a car with two other international students and drove west through the state to the Outback, which was quite an experience. I saw Kangaroos, emus, wombats, and lots of native birds by the side of the road and a lot of small towns. I toured a mine, went on a desert nature walk, visited a ghost town where they filmed Mad Max and met lots of people from all over the country. On the way back I drove through the Snowy Mountains and visited the capital, Canberra. In two weeks, I have another week off, the Law Faculty's study week, and am going up north to Darwin and Kakadu National Park.

Everyone here is friendly, and I feel at home. There is a lot of American cultural influence here, but also quite a bit of Asia has found its way here which makes for an interesting mix. Canada rears its head in the form of Celine Dion, Bryan Adams, and Degraffi Junior High, but everyone

knows we don't want to be confused with Americans. I've been trying to explain the referendum to them, but the country is very self-centered and doesn't pay all that much attention to world news. McGill reminders pop up at uni as there are posters everywhere for a) the exchange program b) graduate study, which shows a picture of a McGill building looking nicer than anything I have ever seen there! In my seminar we have read numerous articles by Dean Toope, and on the bulletin boards are copies of table of content pages from journals which include articles by Prof. Webber and Madame Justice L'Heureux-Dube. I have become known as the "Canadian legal expert" as I also bring in Canadian examples and comparisons.

That's it for now, the class you are reading this during is probably just about over. Next time I will include a list of Aussie slang so you can all understand the Aussies at McGill!

Here is my E-mail address:
u2178876@csdvax.csd.unsw.edu.au

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